

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2007-445-A - ORDER NO. 2008-832
DECEMBER 17, 2008

IN RE: 2008 Revisions to Public Service)	ORDER RULING ON
Commission's Practice and Procedure, Water)	ADDITIONAL
and Sewerage, and Transportation)	MISCELLANEOUS
Regulations)	REGULATIONS

This matter comes before the Public Service Commission of South Carolina (“Commission”) for consideration of promulgation of various revisions to the practice and procedure and transportation regulations of the Commission. In the State Register, the proposed regulations, a Statement of Need and Reasonableness for the regulations, and a Preliminary Fiscal Impact Statement were published. This Commission also published a Notice of Public Hearing, which stated that the Commission had scheduled a hearing for September 10, 2008 at 10:30 a.m. to take place in the Commission’s Hearing Room.

A hearing was held on September 10, 2008 at 10:30 a.m. in the Commission’s Hearing Room with the Honorable Elizabeth B. Fleming, Chairman, presiding. All jurisdictional documents were submitted into the record as a Hearing Exhibit, which was admitted into evidence. Jocelyn Boyd, Deputy Clerk, outlined the proposed regulations. Other presenters proposed modifications to the proposed regulation, both orally at the hearing and through written comments. We find that there is a need for the changes in the regulations as described below, and we find that the changes are reasonable.

Pursuant to evidence presented at the hearing, and input received from the Commission Advisory Committee, we promulgate Regulation 103-805 on representation before the Commission with several modifications. The revised Regulation includes provisions for representation of entities and representation of individuals. Further, the Regulation requires a Notice of Appearance to be filed upon a party's retention of legal representation, and it requires an attorney or other person to file a Motion to Withdraw from representation of a party or from participation in proceedings, when appropriate. Additionally, the Regulation specifies that in certain unopposed matters an entity may proceed without counsel, and it requires a written statement from a representative of the party stating, in part, that the party assumes the risk and any resulting consequences, if any, of proceeding without legal counsel.

We also promulgate Regulation 103.199.5 regarding the adjustment of bills for the transportation industry as proposed, since there was no opposition to the regulation.

We hold in abeyance the proposed amendments to Regulation 103-114 regarding portable storage units and Regulation 103-133(7)(A)(7) regarding drug testing for passenger carriers. Both of these proposed regulations need additional study by the Commission.

Further, with regard to the proposed Regulation on Stretcher Vans, Regulation 103-133(8), this Commission published a proposed Regulation in the State Register on April 25, 2008, and held a public hearing regarding the proposed regulation on June 25, 2008. Thereafter, the Commission instructed the Staff to republish the Regulation and to allow the public to provide comments on or before October 31, 2008. Numerous

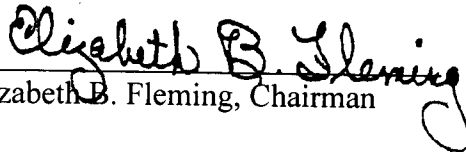
comments were received after the republication. We hereby promulgate the Regulation, with two changes. First, Section A(1)(4) shall be amended to read: "The driver assistant shall be seated in the passenger compartment while the vehicle is in motion and shall notify the driver of any change in the passenger's status." The proposed Section (C)(2) shall be deleted and the following language shall replace it: "An individual must not be transported in a stretcher van, if the individual has a written statement from a licensed physician stating that the individual must not be transported in a stretcher van." The purpose of this revision is to address some written comments from the public that expressed concern about the transportation of passengers who require constant medical attention.

IT IS THEREFORE ORDERED THAT:

1. Proposed Regulations 103-805 and 103-133(8) are promulgated as modified. Proposed Regulation 103.199.5 is promulgated as proposed. These regulations shall be submitted to the General Assembly for review pursuant to State law.
2. The amendments to Regulations 103-114 and 103-133(7)(A)(7) shall be held in abeyance at this time, so that further studies may be performed.

3. This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:


Elizabeth B. Fleming, Chairman

ATTEST:


John E. Howard, Vice Chairman

(SEAL)